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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,491	07/03/2006	Dan Dinescu	9733-19	9470
20792 7590 03/15/2010 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER				
FIELDS, COURTNEY D				
ART UNIT		PAPER NUMBER		
2437				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/549,491

**Applicant(s)**

DINESCU, DAN

**Examiner**

COURTNEY D. FIELDS

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 9/8/09, 11/30/09

**iDETAILED ACTION**

1. Claims 1-9 are pending.

***Information Disclosure Statement***

2. The Information Disclosure Statements respectfully submitted on 08 September 2009 and 30 November 2009 has been considered by the Examiner.

***Response to Arguments***

1. Applicant's arguments filed 16 November 2009 have been fully considered but they are not persuasive.
2. Referring to the rejection of claim 1, the Applicant contends that the prior art, Winkler does not disclose, teach, nor suggest a decision means for limiting the possible changes of the system time information generated by the system time generator to a preset time range, decision means checks if the reset time value input by a user is later than the last time information of the RTC stored in the non-volatile memory and in case the input reset time value passes the check, the RTC is set to the new time according to the reset time value. The Examiner respectfully disagrees and asserts that Winkler discloses a mobile terminal for a wireless telecommunication system with real time generation. Winkler discloses computing means of the mobile terminal wherein a decision is made to generate time based upon a predetermined time period within a preset time period for calculating the real time value. (See Column 3, lines 25-39) Winkler discloses a non-volatile memory which stores the counter value to check if the time value is accurate or has been reset by a user at a later time point. The real time value is compared to the accurate time difference and the real time difference. (See

Column 5, lines 6-13) Winkler further discloses the real time clock value is set to a new time value after the processing means checks the correction time value which was reset on the mobile terminal by the user on the basis of the corresponding counter value which was previously stored in the non-volatile memory. (See Column 7, lines 15-35)

3. Therefore, the rejection of claims 1-9 is maintained in view of the reasons above and in view of the reasons below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Winkler (US Patent No. 6,556,512).

Referring to the rejection of claim 1, Winkler discloses a mobile equipment (i.e. mobile terminal) for non stationary use, comprising:

a real time clock RTC integrated in the mobile equipment for generating a real time information; (See Column 4, lines 6-8)

a system time generator integrated in the mobile equipment for generating a system time information by adding an offset to the real time information given by the RTC; (See Column 1, lines 25-30)

an output means for outputting the system time information generated by the system time generator; (See Column 4, lines 11-15)

a non-volatile memory for the non-volatile storage of data and an input means for inputting instructions for changing the system time information; (See Column 5, lines 1-5)

and a decision means for limiting the possible changes of the system time information generated by the system time generator to a preset time range, wherein: (See Column 6, lines 50-55)

the real time information of the RTC is stored periodically in the non-volatile memory; (See Column 5, lines 1-5)

said input means enables a user to input a reset time value for said RTC in case that the real time information from the RTC has been lost; (See Column 6, lines 50-57)

said decision means checks if the reset time value input by a user is later than the last time information of the RTC stored in the non-volatile memory and, in case the input reset time value passes the check, the RTC is set to the new time according to the reset time value. (See Column 7, lines 32-40)

Referring to the rejection of claim 2, Winkler discloses the claimed limitation wherein the user inputted reset time value is stored in the non-volatile memory. (See Column 7, lines 15-19)

Referring to the rejection of claim 3, Winkler discloses the claimed limitation wherein the decision means does not allow the RTC to be changed responsive to the user inputted reset time when the user inputted differs from the real time information given by the RTC by more than a predefined value. (See Column 6, lines 1-27)

Referring to the rejection of claim 4, Winkler discloses the claimed limitation wherein the predefined value is a fixed value in minutes. (See Column 4, lines 15-34)

Referring to the rejection of claim 5, Winkler discloses the claimed limitation wherein the predefined value, which is used by the decision means to constrain changes to the RTC is defined in response a given inaccuracy of the time information generated by the RTC. (See Column 4, lines 60-66 and Column 5, lines 10-13)

Referring to the rejection of claim 6, Winkler discloses the claimed limitation wherein the system comprises a power supply for the mobile equipment. (See Column 4, lines 35-42)

Referring to the rejection of claim 7, Winkler discloses the claimed limitation wherein the decision means does not allow the RTC to be changed responsive to the user inputted reset time when the user inputted reset time differs from the real time information given by the RTC by more than a predefined value. (See Column 6, lines 1-27)

Referring to the rejection of claim 8, Winkler discloses the claimed limitation wherein the predefined value, which is used by the decision means to constrain changes to the RTC is defined in response to a given inaccuracy of the time information generated by the RTC. (See Column 4, lines 60-66 and Column 5, lines 10-13)

Referring to the rejection of claim 9, Winkler discloses the claimed limitation wherein the system comprises a power supply for the mobile equipment. (See Column 4, lines 35-42)

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/  
Examiner, Art Unit 2437  
March 10, 2010

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437